THE Examination, Tryal, AND CONDEMNATION OF *REBELLION OB——R.*

At a Sessions of *Oyer* and *Terminer*,

Held at

JUSTICE-HALL,

(In what Town or County the Reader Pleases.)

On the 24th of AUGUST 1703.

BEING

St. BARTHOLOMEW's Day,

BEFORE

Mr. Justice *Orthodox*, AND Mr. Baron *Cathedral*.

Rode Caper Vitem, tamen hinc, cum ſtabis ad Aras,
In tua quod fundi Cornua poſſit, erit. Ov.

LONDON: Printed in the Year MDCCIII.

CONDEMNATION
Petition. Trial.

CONDEMNATION
OF

THE
Examination, Tryal,
AND
CONDEMNATION
OF
Rebellion Ob——r, &c.

The J—es having taken their Places, the Jury being Impanell'd, and the reſt of the Parties Concern'd giving their Attendance, the Priſoner was brought to the Bar, and heard his Indictment Read in the Manner following.

The Indictment.

WE the Grand Inqueſt for the Body of this City, upon our Oaths, do ſay, That *Rebellion Ob——r*, not having the Fear of Treaſon or Scandal before his Eyes, but mov'd by the Inſtigation of the Devil's Children the Republicans, Did Villainouſly, Trayterouſly, Maliciouſly, Felonioufly, Raſcally, and Injudiciouſly, without Appearance of Reaſon on his Part, make his Endeavour by the Aſſiſtance of Pen, Ink, and Paper, three Poyſonous Weapons, to Stab the Church Eſtabliſh'd and the Preſent Conſtitution, to the Heart, in order to

bring in Anarchy and Confuſion; and Them to Murder, and Utterly Extirpate, did Publiſh Weekly on *Wedneſdays* and *Saturdays*, for this Year and half paſt, a Libel in Breadth ſix Inches, and ten in Length, and yet continues Publiſhing and Setting it forth, to the great Grief of Her Majeſty's True Friends and Subjects, and the Unſpeakable Diſhonour of a Government who gives him its Protection. In regard therefore to our Duties to the Queen, aforeſaid, We the Jurors aforeſaid, purſuant to the Depoſitions made upon Oath before Us, do Return Him the ſaid *Rebellion Ob——r*, to fall under the Cognizance of this Honourable Court, as a falſe Traytor and Incendiary, an Enemy to Her Majeſty and the Preſeut Miniſtry; and do think in our Conſciences, notwithſtanding he has been Teaching us our Duty in his late Papers, and he had thoſe who brought in their Verdict *Ignoramus* the laſt Seſſion, that he is guilty of the Crimes aforeſaid, and has Attempted the Murther, aforeſaid, and ought to ſuffer as in Caſes of Treaſon and Sedition, aforeſaid, *&c.*

Priſ. I don't like this Indictment. It's not like one of my own Drawing up. My Lord, if you pleaſe I'll be Try'd by that I made my ſelf?

J— You are not to Direct the Court, tho' you have been for ſome Weeks laſt paſt giving Rules to the Jury. What Plea do you make to this Accuſation; it's a Buſineſs of the higheſt Conſequence, let me tell you, and it behoves you to make a Defence ſuitable to the Danger you are now under.

Priſ. She fear'd no Danger, for ſhe knew no Sin, ſaid *Dryden*, in his *Hind* and *Panther*; and I call all that know me to Witneſs whether they ever knew me guilty of any one Sin. I challeng'd the whole World in one of my *Ob——rs*, not long ſince to do the like, and I ſhall not be afraid to ſpeak the ſame in the Face of this Court.

J— We know you to be a Man of Aſſurance, and ſhould be glad to hear your Reputation as Spotleſs as you would have us believe it to be. But I much fear the making out the Articles you are Charg'd with, will prove you another Sort of a Man. As for Calling your Acquaintance to Witneſs your Manner of Life, it will be time enough when the Witneſſes for the Queen have told their Story. In the mean time to ſhew you, that the Government you have taken ſuch great Pains to Abuſe, will allow you all the Favour that can be on their Side; the Court gives you leave to make Choice of Two Councel to plead in your Behalf, and be Aſſiſtant to you in thoſe Points you may be unskill'd in.

Priſ.

Priſ. My Lord, I deſire a clear Stage and no Favour. Certainly the Court miſtakes me for one of thoſe that cannot ſpeak for themſelves. I ask no Councel, and if *Bracton*, *Plowden*, *Hengham Magna*, *Hengham Parva*, *Coke upon Littleton*, *Selden*, *Fleta*, and the whole Retinue of Books belonging to the Gentlemen of the Long Robe; I ſay, if the perfect Knowledge of theſe Authors, can bring me off, I dare ſpeak a proud Word, That never a Serjeant at Law or Barriſter among you all, can do me half the Service as my own individual Reading can.

J—— A proud Word indeed! I never heard of ſuch Confidence!

Priſ. My Lord, I demand *Pen*, *Ink*, and *Paper*, perhaps my Memory may fail me, and the beſt Man breathing Stumbles ſometimes. *Homo ſum & nihil Humani a me alienum puto*, as *Terence* has it. My Lord, you may ſee I have read other Authors than Law.

J—— Then you are Subject to Failings, tho' not to Sin. I thought your Pride would not have ſuffer'd you to make this Confeſſion. You have your Deſire, and grant Heaven you make better uſe of this *Pen*, *Ink*, and *Paper*, which you ſo Arrogantly demand, than you have hitherto. Clerk of Arraigns, do your Office, and ſpeak to the Priſoner at the Bar.

Cl. of Arr. Hold up your Hand——You that hold up your Hand at the Bar of this Honourable Court by the Name of *Rebellion Ob*——*r*, Attend to what ſhall be ſaid unto you; *You ſtand here Indicted for endeavouring to Compaſs and bring about the Deſtruction of the Preſent Conſtitution and Church Eſtabliſh'd, by Stabbing it with three Poyſonous Weapons, call'd Pen, Ink, and Paper, to the Heart.* For that you the ſaid *Rebellion Ob*—*r* not having the Fear of Treaſon or Scandal before your Eyes, Did Trayterouſly, Maliciouſly, *&c.* What have you to ſay for your ſelf? guilty, or not guilty?

Priſ. Not guilty, my Lord. Catch me Pleading guilty as my Friend, *Daniel de Foe* did, if you can. I have more Senſe than you imagine.

Cl. of Arr. Culprit. Whom would you be Try'd by?

Priſ. By my Countryman Certainly. He's the beſt Friend I have. But now I think on't; You, Gentlemen of the Jury have read my *Ob*——*rs*, a Word to the Wiſe is ſufficient, you know my Meaning. I have there told you your Duty, and rely upon your Obſervance of it, and will be Try'd by my Countryman's Repreſentatives in you.

Cl. of Arr. God ſend you a good Deliverance.

A——G. My Lords the Judges, and you Gentlemen of the Jury, the *Priſoner* that behaves himſelf thus Inſolently before you, Stands Accus'd of Crimes of ſuch a Nature, as from the Greatneſs of 'em might ſtartle us into the disbelief of his Guilt. But the Evidence carries ſuch Conviction with it, his Deſign is made ſo manifeſt and apparent, that I ſhould be neglectful of the Duty I owe the moſt Gracious of Miſtreſſes, ſhould I give you the Reſemblance of him in any other Colours, than what are fitting for ſo Vile an Offender. But it is not in Words to lay Him forth in ſuch a manner as he Deſerves; and Expreſſion would fail me, ſhould I attempt it. You are therefore to Determine the Nature of his Crime from your Juſt Abhorrence of the like Ill Practices, and to know, this Man, *Rebellion Ob——r* by Name, not having a due Senſe of former Mercies, or any Gratitude for the Memory of a Prince, that forgave him the greateſt Injuries againſt his Crown and Dignity, and Remitted him both Whipping-Poſt and Fine, when he Petion'd for a Halter——

Pr. Will your Lordſhip ſuffer this? He ſpeaks Reſpectfully of K. *James*, I can't bear it; I deſire my Deteſtation of his Memory may be Recorded——It coſt me Eight hundred Pounds — Tho' how, when, where, and by whom the Money was paid, let them ſpeak that know, for I am a Stranger to the whole Matter.

C.——You are not to Interrupt the Councel. Mr. ——Proceed.

A——G. I ſay, my Lord, notwithſtanding this Compaſſionate Temper which Her Majeſty's Royal Father was Famous for; Notwithſtanding this Grant of Liberty, and Gracious Forgiveneſs, the *Priſoner* at the Bar continued his evil Practices againſt Him to his Dethronement; and what is of a much more Heinous Nature, follow'd him to his Grave, Tortur'd his Laſt Dying-Words, and wreſted 'em to Meanings as were never Intended, and ſtill Purſues him with all the Calumnies and Invectives, that Malice can invent, or an ill Tongue publiſh abroad.

Priſ. A word or Two, by your Lordſhip's Favour. I deſire my Countryman may ſtand by me, I am afraid of my Life without my Body-Guard. I wiſh he would give that Man there a Wipe with his Oaken Towell, and Teach him to keep a better Tongue in his Head, for I have been a Captain, I would have him to know — and ought to be treated like a Gentleman on that Account.

C.——

J——. The way to be Treated like one, is to Act like one. You are Unmannerly, I say, in the needless Trouble you now give the Court, who are to proceed, and either Convict or Acquit you.

A——*G*. To draw to a Conclusion, and leave Aggravations for the Treason it self. No sooner had Her Majesty been Possess'd of the Throne of Her Royal Ancestors, and given the Church of *England*, that had lain under some Discouragements, hopes of Reviving its wonted Honour and Glory, but a Party of Men, who were Restless till *the Gates of Hell prevail'd against it*, chose him for their Secretary; in order to write us into a Commonwealth, which is Treason in the highest Nature, not only against Her Majesty that now Reigns, but the Monarchy it self, which can never Die, but the whole Constitution must Expire with it. How willingly he Accepted his Office, his past way of Living can best Evince; and according to the Faction's Request, out came a Paper on the first of *April* 1702, that shew'd him *Fool* as well as *Knave*, and yet continues to appear in Publick twice a Week to this very Day, Undermining the Government, under pretence of Strengthening it; and shewing Queen *Ann* the *worst Enemy* She has, while he without any Regard to Truth or Modesty, calls himself Her *Majesty's best Friend*. Now to Spread Jealousies and Fears, to Reproach the Ministry, and Render Ridiculous the Members of the Church Establish'd, to Preach up Republican Principles under a Government that has been Monarchical from its very Foundation, is Treasonable, Impious, and Seditious, and any Person Convicted of such Practices is to suffer the Pains of Death. Not that I would Anticipate his Sentence, or take upon me to direct this Honourable Court, but the Office I am entrusted with requires, That after the Prisoner at the Bar has joyn'd Issue, by Pleading *not Guilty*, I should Act on the Part of the Queen, and bring the Delinquent by sufficient Evidence to such Judgment as the Nature of his Crime shall require. But you that are Gentlemen of the Jury, have it in your Breast to bring in a Verdict that shall be previous to it, and which this Judgment must be suitable to; I shall therefore detain you no longer from the Evidence that must determine that Verdict, but endeavour to make him what he has made himself, *A False Rebel, and Traytor*; and prove by undeniable Witnesses, That he is Actually *Guilty* of much more than he is Charg'd with in the Indictment.

Pris. I have no Patience—— This Man in the long Robe talks till he sweats again. Prithee, Honest *Countryman*, Rub him down with

with your Oaken Towel. He has a mind to make me a Companion for the *Protestant Joyner*, and get me to be a Red-Letter'd-Man in *Partridge's* Almanack, I thank him. But you Gentlemen of the Jury will remember what I said to you—— For, to deal ingenuously with you, I had rather *Talk* Treason over a Bottle and a Pipe with the Party, than be *Talk'd* of by them for being a *Martyr*, in having suffer'd for so doing.

Q. Coun. What has been Urg'd in the behalf of the Queen by Mr. *A——G.* is so Weighty and Momentous, that I can add very little to it. Only I must take Notice, that in the Close of his, he says We have other Things to Charge him with, besides what is Alledged against him in the Indictment. To endeavour to Alter so good a Constitution, and Seduce her Majesty's Subjects from their Allegiance to so good a Queen, are Attempts in themselves so Black and Heinous, as to need nothing of Accumulated Treason to bear it Company; yet We must ask Leave of the Court, since I see many of his Friends here, to make use of other Matters of Fact sometimes, than what he is here Charg'd with; that those Friends of his may be fully satisfied that he is neither what he would seem, nor what they think. Not that any thing that is out of the Indictment can be of any Force to endanger his Life, but it may be Serviceable to Convince the World of the Mildness of a Court, that could bring in more Offences against him, than he stands now charg'd with. But not to trouble the Bench with what is superfluous, I shall forbear Aggravating his Circumstances any farther, and bring the Witnesses against him Face to Face.

Countryman Good your Worship take a little Advice, you know I have a huge Kindness for you, and these two Men in the black *Gowns* here talk notably—— I have a Couple of Angels in my Purse—— And 'Squire *Litigious Dullman*, and Sir *Brainless Blunder* will jump at any Occasion to shew their Parts. I would sell all the Stock belonging to my Farm rather than you should do Amiss—— Therefore, Dear Sir, let me perswade you, for if things should go otherwise than well with you, I must never see my Name in Print again, nor be Respected for a *Politician* among my Neighbours any longer, which would break my Heart.

Pris. To gratify your Desires, I accept of their Assistance—— But you will observe by the Sequel, That a Man of my Endowments is able to stand on his own Bottom.

Q. Coun. Cryer, call Mr. *Liturgy Loyalist*.

Cryer.

Cryer. Mr. *Liturgy Loyaliſt* —— *You ſhall true Anſwer make*, &c. *Kiſs the Book*, and give me your Money.

L. Coun. Mr. *Liturgy Loyaliſt*, Look on the Priſoner at the Bar —— And according to the Oath which you have taken, inform the Court whether you know him or no, and how long you have had this knowledge of him.

Lit. Loy. My Lord, the Priſoner at the Bar goes by the Name of *Rebellion Ob* —— If I ſhould call him an Acquaintance, my Reputation may be queſtion'd; but to ſay that I know him is what I am oblig'd to by the Oath which I have taken.

Sir Brain. Blund. And is it High Treaſon to know a Man? Pri'thee Friend tell me that. Muſt I be Try'd for my Life, becauſe another Man knows me? I come here my ſelf on purpoſe to be known, and ſhew my Parts, and muſt I be Indicted for High Treaſon for it? Fie Gentlemen, drop the Proſecution, my Life for His, we make a Tool of this Witneſs elſe.

Lit. Dullman. Let 'em go on with their Evidence, ſay I, we have not an Opportunity to ſhew our ſelves every day. Pray *Mr. Loyaliſt*, for I think you wear that Scurvy Name, is the Perſon you ſpeak of, a Man, or a Woman? Certainly he has not been upon the Search with him, and then we are well enough.

Lit. Loy. Neither. But a Monſter that is an Abhorrence to Nature who produc'd him, which I'll undertake to prove, if this Honourable Court will give me their Countenance, and not ſuffer ſuch Impertinent Interruptions.

J. —— We are ſatisfy'd *Sir Brainleſs*, that every one that is maſter of any Intellectuals, knows you. You are not in the leaſt Difficult to be underſtood; and your Forehead, good Mr. *Dullman*, has been a Subject for every one's Diſcourſe. But my Brother and I are not Commiſſion'd to ſit here to hear the Queen's Evidence Banter'd, and run down. If you have any thing that is Matterial, you are welcome to offer it, if not you are to attend till the Witneſs has gone through with what relates to the Priſoner at the Bar. But no more Interruptions while the Evidence is Speaking, unleſs ſuch as are neceſſary. Well Maſter, go on; you ſay you know him, and have given us his right Name. Pray when, where, and how did you come to this knowledge of him?

Lit. Loy. My Lord, I had the Honour to be in the late King *James* his Service in the Year 85, when *Monmouth*'s Unnatural Rebellion broke out, and according to the Duties of my Poſt, was ordered to

march againſt him with the reſt of the Regiment I belong'd to. From the Camp at *Sedgmore*, I was Detach'd out with a Party, in order to get Intelligence; and found ſeveral Papers of this Fellow's Writing diſpers'd about the Towns and Villages I paſs'd through.

Sir Brain. Blund. That's very well indeed. Pray Captain, how did you come to be ſo Cunning as to know the Priſoner's Writing? Have you the Spirit of Divination, and ſerv'd an Apprentiſhip under Dr. *Trotter*? Be brief, and ſatisfy me in that Enquiry.

Lit. Loy. I pretend to be no more a Conjurer than your ſelf; but he was ſeiz'd, the Papers found about him, Try'd, and Sentenc'd to be Whipt through the Market Towns, which Sentence had been infallibly put in Execution; but his late Majeſty was pleas'd in the midſt of Judgment to remember Mercy, Read a Petition he got deliver'd into his Hands, with his uſual Condeſcenſion, and graciouſly forgave ſuch Crimes, as deſerv'd that Death which he Petition'd for.

Priſ. Now Sir, I hope you'll give me Leave to ſpeak. Suppoſe I did acknowledge what I was Accus'd of, did that Acknowledgment make it a Crime? May not a Man be innocent and yet lie under the Sentence of Condemnation, and beg to be Hang'd when he deſerves it not? The Government was Arbitrary in thoſe Days, and I had ſeen *Julian Johnſon*, whom I affirm in *Obſervat. Numb.* 35. *To be the Beſt Clergiman of the Church of* England, *Whipp'd at the Carts Arſe only for Writing againſt Popery*, and the Thoughts of ſuch an Inhumane Sufferance was worſe than Death to me, which made me make Application for that Halter the late King deny'd me, rather than be Whipt and Stand in the Pillory once a Year in every Market Town in *Dorſetſhire*; But what of all this. If the late King pardon'd me; why am I call'd again to Account for it? I do not underſtand the Nature of a Pardon, if I am to be farther queſtion'd in Relation to a Sentence that has been remitted me.

2. Counc. Your Petition ſets forth your Crime, and your juſt Abhorrence of it. Not that you are Indicted again for it. But we bring it into Court only to lead the Bench into a Knowledge of you Step by ſtep, that they may ſee what you now are from what you have been, and make a right Eſtimate of your Behaviour, from as many Paſſages of your Life as we can recollect.

Lit. Dullman. Nay if you fall to ripping up Lives and Converſations, I am as well qualify'd as the beſt of you; and having ſeen my Brother's Diſſections, can butcher a Reputation as well as any *Cowper* of you all. Stand clear—Or I'll fling a Bag of Excrement in your

Face——

Face—You Trade in Scandal? Pri'thee mind what you are qualify'd for, it's my Province, and I design to Petition the next Parliament to have the sole use of it.

J—— Why truly *Mr. Dullman*, had I a Voice there, you might Command it, for I think no man has a better Title to it—But less Noise, I beseech you, you don't know the Strength of your harsh Voice, and how it beats upon the *Tympanum* of a Man's Ear.

Lit. Dullman. Oh! that *Transactioner Hans* was here to talk of the Organization of the Ear, and shew the Profundity of those Parts Nature has been profuse in Distributing among those that belong to his Family. My Lord, if you are for a Dish of Anatomy, I'll send for a certain Relation of mine, that shall give your your Belly-full.

Q. C. As much of Anatomy as he can of Law, my Lord——But his frivolous Pretences to Pleading detains the Court longer than it is wont to be; and under Favour, I think it is our Business to be as Brief as possible. *Mr. Loyalist*, Will you give the Court a farther Accounnt according to the best of your Knowledge.

Lit. Loy. When the Prince of *Orange* brought about the late Revolution, if your Lordship will be pleas'd to remember, the Army which I belong'd to was discharg'd from the Service, when the Throne being declar'd Vacant, that Prince was call'd to it by the Choice of our Representatives at that time Conven'd together. Now it being my Misfortune not to acknowledge the Government then in Being, I follow'd the King's Fortunes into *Ireland*, where I liv'd as a private Man upon that Little which I had, having met with some discouragements from some Superiour *Irish* Officers that belong'd to his Army. I had not been long there before this Gentleman, who is now Arraign'd for his Life, came over with several others of *Monmouth's* Adherents that had then Posts given 'em in the *English* and *Dutch* Army.——

Sir *Brain. Blund* It's more Reputable, let me tell, Mr. *Evidence*, to be one of *Monmouth's* Adherents, than the late King *James's*: I belong'd to a Burrough Town at the time when he took Arms first, and it was none of my Fault that his Expedition miscarried. He was a Liberty and Property-Man, and so am I. I beg the Favour, my Lord, I may be permitted to make use of my Office here in Court, and Commit him for a Jacobite.

Judg. You Act as a Councel here, Sir *Brainless*, and not as a Justice, if you have any thing that is matter of Fact to incapacitate him from giving in his Testimony, it will be accepted, otherwise you

do but abuſe the Liberty the Court gives you, and expoſe your ſelf inſtead of the Queens's Evidence.

Lit. *Dullman.* My Lord, I move that the *Oaths* may be tender'd to him. Come Sir, what ſay you to it? Is your Stomach ſqueamiſh? Let's ſee what ſort of Digeſtion yours is. Can you down with the *Oaths* to Queen *Ann*? Open your Throat quickly; I believe I have preſcrib'd ſuch a Potion to you as will make you foam at Mouth again.

Lit. Loy. My Stomach is not ſuch a one as the Gentleman's, that ſpoke laſt, may it pleaſe your Lordſhip, yet it is ſuch as is Conformable to the preſent Conſtitution. I could not indeed while my Royal Maſter the late King *James* was living, ſubſcribe to any Authority but his. But now God has been pleas'd to remove him to a Heavenly Throne, I acknowledge all due Obedience to Her preſent *Majeſty*, both as his Royal Daughter and my Gracious Queen, and tho' I have taken the *Oaths*, as this Certificate here will make out; yet I am willing to do it over again and again, if this Honorable Court has the leaſt Doubt or Scruple relating to my Fidelity.

J——A man may be a Chriſtian tho' he has not taken the Oaths, and ſuppoſe this Gentleman here had continued a *Non-juror* to the Government, He is capable nevertheleſs of being an Evidence. I wiſh you may be capable on the Priſoner's Side at the Bar to produce a Perſon of the like Conſcience, it may go better for him than I fear it will.

Sir *Brain. Bl.* No Butter will ſtick on our Bread this time, that's for certain. Who the Devil would not have thought my Brother *Dullman's* Queſtion well put? I imagin'd him not to be parallell'd for an *Interrogatory* as ſoon as I heard it, and could not ſuppoſe but it was unanſwerable by a Jacobite, as I would have ſworn him to be. But tho' you have taken the Oaths, you have according to your own Confeſſion, boggled at 'em in the laſt Reign, and that's enough to render you unfit for the Buſineſs you are now taking in hand, of being an Evidence on the part of the Crown. *Niger eſt hunc tu* Romane *Cavero*; He's a perfect *Æthiop* in Law, and all the Submiſſion to the preſent Government cannot make him appear otherwiſe. There is a Sentence of *Latin* to prove this Learned Aſſertion of mine, and my Coach and four Horſes to a Turnip-Cart, he can never appear otherwiſe than as Black as my Brother Council's Gown.

Lit. Dull. Once a Rogue, and always a Rogue; is a Doctrine I have learn'd from my Cradle; All the Books in my Study will make it out as plain as the Noſe on your Lordſhip's Face. He cannot be

Probus;

Probus aut Legalis Teſtis, that has been *Improbus & Illegalis*, my Clerk ſhall take his Oath of it; and I wiſh every Pockhole in my Face may be big enough to receive a Peach Stone, if I am not poſitively in the Right.——

J——— I know not what you mean by theſe Aſſeverations, but, ſure I am, they rather make againſt the Perſon, whoſe Cauſe you Eſpouſe, than for him. It is not for us to diſpute whether what has been to all appearance done out of Conſcience Sake, ſhould be imputed to the Man that has done it for a Crime, the two Rival Kings are both Dead, and there's an end of that Controverſy. But you muſt own this to be Unconteſtable, That Rebellion and Recuſancy are of two different Natures, and the firſt is as Superior to the laſt, as to the Odiouſneſs of the Fact, as High-Treaſon is to a Miſdemeanour. The Priſoner has been prov'd to be in an unnatural Rebellion, where a Subject took Arms againſt his Rightful and Lawful Prince, when the Gentleman you unjuſtly Accus'd, flung up his Commiſſion, and would neither Fight againſt his King nor his Country.

Priſ. My Lord, Impertinence is none of my Fallent; not a Man belonging to the Club I am the Mouth of, will Charge me with it, and I deſire to know of what uſe this Witneſs can be, ſince I am Charg'd with nothing he Alledges againſt me in the Indictment? When King *James*'s Throne was Declared Vacant, all Treaſons and Treſpaſſes againſt the ſaid King ceas'd to be of any Force, and *Sublata Cauſa tollitur Effectus*, is an old Axiom toſs'd about in the Schools.

Q. Coun. We muſt Confeſs, the Priſoner at the Bar, and his two Learned Council, have talk'd more *Latin* than we ſhall trouble the Court with, but my Lord, and this Honourable Bench, will unqueſtionably find us more acquainted with Truth. What we have urg'd hitherto, has been to bring us into a nearer View of his Crimes, by a remoter Proſpect of him in his Infancy of Wickedneſs; what we have farther to add, is to let you know how he behav'd himſelf in King *William*'s time, that part of it, I mean, that he continued in this unmerited Poſt of his, and was known to the Witneſs; for, you are to underſtand, his Reſtleſs Temper would not ſuffer him to be Maſter of it long, and he left the Perſon that Accuſes him, who by this means got rid of his Converſation, to go back to *England* and ſow Sedition in a Place where it had been Fruitful enough by his means before. Pray, Mr. *Loyaliſt*, will you

give

give your ſelf a little farther Trouble, in making the Court underſtand his Behaviour for the time you knew him in *Ireland*, the Diſcourſe you frequently had with him, (for you have inform'd me, you were forced to keep a ſeeming fair Correſpondence with him, for fear of the Miſchief that a Man of his Profligate Temper might otherwiſe do you) and whatſoever elſe occurs of any Moment, to bring us on to our next Witneſs, who ſucceeded you in being Acquainted with him.

Lit. Loy. My Lord, as for his Behaviour during the time of my Converſing with him, it was, no otherwiſe than what I expected, but Inſolent, Irreligious, and Anti-Monarchical. The Family of the *Stuarts*, in his Opinion, was a Race that ought to be Cut off, Root and Branch; and we ſhould never ſee good Days again, till we play'd over the Game in the Year *Forty One*.

J. —— Certainly he ſpoke well of King *William*, Did he not? For he was deſcended by the Mother's Side from that Illuſtrious Houſe, and that Prince let him come over with him, with a great many other Reprobate Out-laws, that had fled from Juſtice, and hid their Devoted Heads amongſt People of the ſame Stamp with themſelves.

Priſ. Your Lordſhip had beſt take care of what you ſay, or I ſhall dictate to *William Fuller* to write you into a Plot. Reprobates do you call 'em? There were thoſe among us that made no ſmall Figure in the Church. Have a Care of *Scandalum Magnatum*, a word more may bring another *Phœnix Edition* upon your Back.

Lit. Loy. All Kings were the ſame with him, as all Prieſts with Mr. *Dryden*, and he did not ſtick to ſay, That the worſt Blood in that Prince's Veins was the Royal Martyr's Daughters, which was as falſe as falſehood it ſelf. The Biſhops, he affirm'd, were as uſeleſs, as their Conſecration was Ridiculous, and we ſhould never do well till our Cathedrals were turn'd into Stables, as they were in Old *Noll's* Days ——

Lit. Dull. And what of all this? Tell me what Statute now in Force, calls this High-Treaſon? Words have not amounted to Treaſon for ſome time, and I have ſlept my time away, when I am ſure I have made as great a Noiſe as any Gown-Man here, if any thing like a Law can make this above a Miſdemeanour.

Sir *Brain. Bl.* Ay, my Lord, what Statute indeed? We are to go by the Laws of the Land, and we two do not know ſuch a Law, you may turn over the Statute Books all your Life-time, before you can find it.

J. ——

J—Gentlemen, the Councel againſt the Priſoner has told you, that what is not laid in the Indictment can be of no Force towards his Conviction. What the Witneſs is now telling us, ſerves only for a Light to introduce us into other Diſcoveries, and how great ſoever your Knowledge of the Laws may be, I much doubt whether you can turn to a Law that will be of any Validity to ſave your Client's Life, if the ſucceeding Witneſſes come up to the Character of this.

Lit. Loy. My Lord, I have little farther to add, than that this Haughty Temper of his brought him very much into the diſeſteem of his Superior Officers, tho' he belong'd to a Collonel that had not over much Value for the Church, and he was broke for ſeveral Miſdemeanours, though he will tell you he flung up his Commiſſion, Challeng'd his Collonel, and play'd the Devil and all of a Champion, which is all I can ſay to the Matter that now lies before you, for here the Kingdom of *Ireland* had the happineſs to loſe him, and I his Acquaintance.

Q. Coun. Now, my Lord, we ſhall come ſomewhat cloſer, and ſhew his farther Progreſs in Villainy, and omitting his Lurking for ſome time in *Darby* Ale-Houſes, Bilking Garrets, Scribling Ballads and Dying Speeches, bring him upon the Stage of Action, as Inſolent again as ever, and encreas'd in Inveteracy, if it be poſſible to add any thing to what was before Conſumate, and arriv'd at the higheſt Perfection. Call *Provender Standiſh.*

Cryer. Provender Standiſh, appear in Court, or elſe you'll forfeit your Recognizance.

Prov. St. Here —— My Lord —— The *Countryman* ſhakes his Stick at me ſo——— That I dare not come any farther into the Court.

J— You are not to mind his Threats; but to do the Duty which is Incumbent upon you, and diſcharge a good Conſcience. Give him the Book.

Cryer. You ſhall true Anſwer make, *&c.* Kiſs the Book, and down with your Money.

Q. Coun. Tell the Court what you know relating to the Priſoner at the Bar, how you came acquainted with him, and after what manner he has behav'd himſelf during that Acquaintance.

Prov. St. My Lord, I belong to the *Victualling-Office*, and have Acted there as a Clerk, for ſome years.

Lit. Du'l

Lit. Dull. A Man would gueſs ſo by his Fat Guts —— I have a Damn'd Mind to be Witty upon him —— Pray Mr. *Standiſh*, how much has that Belly of yours ſtood the Government in? You have Pinch'd Victuals in abundance, or you would never have ſhewn ſuch a goodly Hide.

Sir *Brain. Bl.* Spoke like an Oracle, on my Conſcience —— I am the moſt unfortunate Lump of the Law breathing, to let him run away with all the ſmart Interrogatories —— Ay, Sir, you have pinch'd other Peoples Guts, to ſwell your own after this manner. How much has that Impoſthumated Corps of yours ſtood the Government in? —— *Impoſtumated*, there's a Word for you, not a Man in *England* can come up to me in Expreſſion, when I give my mind to it.

Prov. St. Not ſo much as the Priſoner's at the Bar. Look upon him well, he looks more like a Brewer's Fat of Grains, than an Author, and there are at leaſt a Hundred Shins of Beef in his Guts. Your way of Expreſſing your ſelf is indeed particular, and though you talk Nonſenſe, you cannot be ſaid to talk like an Apothecary, for I never heard them, or any belonging to the Profeſſion ever affirm that *Impoſthumes* grew in the Belly.

Lit. Dull. Why not there as well as in the Throat? Since they are equally *Concavous*, as my Br —— Tranſactioner has it, and there is as much Room in the Cavity of the Belly as there is in the Throat. What think you of an *Impoſthume* in the *Urethra*?

Prov. St. I have no Thoughts at all of it. I have heard of a Swelling in the Groyn, which you may have known by Experience, probably —— But the Court does not ſit here to hear things that are Foreign to it —— I ſhall therefore, with your Lordſhip's Permiſſion, go on with my Evidence.

J—— Pray do, Mr. *Standiſh*, you are not to take Notice of what theſe two Gentlemen offer to break the Chain of your Diſcourſe by. As long as you have the Countenance of the Court, be not Daſh'd at their Trivial Interpoſitions.

Prov. St. My Lord, as I ſaid before, I am one of the Clerks of the *Victualing-Office*, which is a Poſt that brought me Acquainted with the Priſoner at the Bar, who was likewiſe upon the ſame Eſtabliſhment with my ſelf. Not knowing the Malignity of his Principles, I was deſirous of Converſing with him, (for he had Chriſten'd himſelf a Wit throughout the Office, before he was well ſettled in it) and had not long kept Company with him, before

His

His Discourse told me what he was, and what a Companion I was like to have of him.

Sir. Brain. Bl. If you found him out so soon —— Without doubt you quitted his Society, therefore I suppose you have no more to say to the Matter, than what you have already spoken; Therefore, Good Sir, your humble Servant —— You have not Wit enough to be a Clerk to me, which is one of the easiest Places under the Sun, though I say it.

Q. Coun. That may be, but I have heard otherwise, and that one of your Clerks chose the *West Indies* rather than your Service; and in my Opinion, where the Master's Head-Piece is Deficient, that want should be made up in the Servant. But, Mr. *Standish*, you are to go on with your Allegations.

Prov. St. My Lord, tho' I soon found out his Principles, yet I continued my Conversation ——

Lit. Dul. There's a Rogue for you —— He knew him to be an Ill Man, yet kept Company with him without any manner of Scruple. A hopeful Fellow truly, I'll be Damn'd if this be not some *Westminster* Evidence. Hark ye, Friend, give the Man his two Half-Crown-Pieces again —— We have found you out, and you will not be Accepted.

Prov. St. But I shall, Mr. *Stentor*, tho' your Tongue runs on the Numerical Sum for what it is hir'd for. You never deserv'd half a Crown for the Service you ever did a Client, but ought to have been out of Pocket for putting those who ever Employ'd you to unnecessary Charges. But, my Lord, that I may be as quick as possible, and not put the Court to unnecessary delays, you are to understand that by continuing this Conversation of mine, I was let into his Secrets, so far as to find that he and one Mr. *B———r*, Deceas'd, joyn'd Heads together to write the Hymns for the *Calves-Head-Feasts*, on the Day of the *Whigs* barbarous Rejoycing for the Murther of that blessed Martyr King *Charles* the First.

Q. Coun. Very well, Sir, Did this Acquaintance of yours bring you into no other Notices, in Relation to other Compositures of his? For a Man that is Conceited of his own Wit, must be always a Scribling something or other.

Prov. St I remember when the Dreadful Fire at *Whitehall* broke out first, he and I was in Company together, when he express'd himself after an inhuman Manner, and said, *It was but just, That a Palace where the Family of the* Stuarts *had Committed such Detestable Things, should be Burnt down to the Ground*: And being resolv'd to write a Poem which, if I forget not, is Call'd, *Whitehall in Flames*, or some such Name, and

Publish'd by *R*—— or *A. B*—*in*, where, after having affirm'd the very same things in Print, he makes this Observation on the Banquetting House, now the Chappel Royal, being sav'd, That *God Almighty had Preserv'd that Stately Pile on account of the Publick Justice that was done before it, in the Execution of King* Charles *the First.*

Pris. This makes not to the Purpose yet, Poetry is meer Fiction, and what I did as a Poet, ought not to be reckon'd to me as a Subject. The Matter of Fact lies otherwise in the Indictment, and I am not Charg'd there with any such Crime. *Countryman*, you that prov'd, a Day or two since, That *your Horse had sixteen Sides*, can make appear that I am not in the Wrong.

Count. Let me hear any Man say you are in the Wrong for that Poem, and my Plant shall walk about him first, and I'll afterwards Rhime him to Death. I have his Worships Poem by me, which I value next to *Baxter*'s Works, and the *Spiritual Shove to a Heavy Ars'd Christian.* Let it have what it will in it, I stand here to Vindicate my Master, and say nothing shall hurt him, that he is not Charg'd with in the Indictment.

J—— Keep your Temper, Honest Man, you are indeed endebted to him for his Marrying his cast Convenience to your Waggoner, and I don't blame your Concern for a Cause you are so deeply Engag'd in. He shall have all the fair Dealing imaginable, and you have been told the Reason why they bring in Allegations, which, tho' foreign to the Indictment, are of use to Convince us of the Blackness of a Malefactor that is now before us. The Witness for the Crown is therefore to proceed.

Prov. St. To draw towards a Conclusion of what I have to say against the Prisoner at the Bar, my Lord. All the Writings of his that I saw, were of the same Stamp with the Poem I just now made mention of, his way of Expressing himself tending to the very same Thing, *(viz.)* The Subversion of the Monarchy, and the Church Establish'd, and setting up a Power subordinate to both, which should over-turn both their Constitutions. I have nothing to add, but that being of a Restless Temper, and uneasy in an Office, he thought too little for a Man of his Extraordinary Bulk and Merits, nothing would serve him but a Commissioner's Place, when I, who thought my self as well Qualified as himself, contented my self with a Clerkship.

Pris. My Lord, *I have Digg'd as Deep in the Field of Learning as any Minister of State of 'em all.* As my Paper hes it, *Num.* 21. *Vol.* 1. and I hope you will not suffer such Reflections, on a Judgment of that Ripe-

ness

neſs as mine, to paſs in a Court that ſhould give Encouragement to Knowledge.

Countrym. I'll lay all the Corn in my Barn to a King *Harry*'s Groat on his Worſhip's Head. That's an Impudent Fellow to compare himſelf with my Maſter, and was it not for fear of having my Mittimus made, Odzooks I would maul him moſt terribly, that I would.

P. St. Not to take Notice of ones Vanity, my Lord, or t'others Threats. In order to get into a Superiour Office, what ſhould he do, but turn Informer, a Place very fit for a Man of his Principles, and accordingly got his Maſters Summon'd before the Lords of the *Treaſury*, in hopes to get into one of their Places, but it fell out otherwiſe than he expected, and for want of making out the Crimes he had Charg'd 'em with, thoſe Gentlemen were *Honourably Acquitted*, and diſmiſs'd to the Exerciſe of their reſpective Offices, and the Priſoner at the Bar, as a juſt Reward for his *Inſolence* and *Treachery* to the kindeſt of Maſters, was turn'd a Grazing once more to live upon the Offals of *Poetry*, and other *Hungry Entertainments*. This is all the Account I can give, for I never ſaw him at *Tower-Hill* ſince.

Sir *Brain. Bl.* And ſo much for this Worthy Gentleman, who might have as well held his Tongue for any thing that he has ſaid that is material to the Purpoſe. Pray Mr. *Standiſh*, what is your Place worth a Year, that you Swear ſo heartily to keep it? What Religion are you of, for methinks you ſtink of Popery, and what Bribe had you put into your Hand to play the Knave ſo Treacherouſly againſt your *Quondom* Fellow-Servant.

Q. C. Not ſuch a one as you have to play the Fool, and be guilty of Impertinence your ſelf, while you are blaming it in another. The Court is not oblig'd to have Patience while you put Queſtions that bear no Relation to the Matter in Hand, therefore we ſhall proceed.

Lit. Dull. My Lord, be pleas'd to obſerve, we are over-rul'd without any Cauſe; as ſoon as I can Squeeze my ſelf into the Parliament-Houſe again, you ſhall hear of this with a Witneſs. A Man was as good be Damn'd as not have Juſtice done him.

J——. Damnation may one Day be the Effect of Juſtice, to your Sorrow, unleſs you take another Courſe of Life. You have a Forehead fit for any Sin, and a Countenance that has not known what a Bluſh is ſince the Age of Fifteen. Go on with the Queen's Witneſſes if you have any more.

Q. C. My Lord, we ſhall trouble the Court but a litrle longer, before we ſhall bring him to the Matter of Fact Charg'd upon him in the In-

dictment, and leave him without any Evasion whatsoever to escape the Justice of this Court by. *Cryer*, call Mr. *Opportunity Subtle*.

Opportunity Sub. I am here, *My Lord*.

Q. C. Mr. *Opportunity Subtle*, Look upon the Prisoner at the Bar, and be Ingenuous with this Honourable Court, by telling *My Lords* the *Judges*, by what means you came to know him, how long you have been acquainted with him, and what the Effect of that Conversation has been.

Op. Sub. My Lords, and this Honourable Court are to understand, That being in want of Business in the Year 1699, I plied at the *Lobby* with the rest of the Gentlemen that were out of *Employ* as well as my self, where I came Acquainted with the Prisoner at the Bar; He was at that time turn'd Sollicitor, and having lost his own Place, pretended he had a mighty Interest in Parliament to get *Employments* for others. I smell'd a Rat at first sight of him, for truly I did not like his Look, yet I was willing to have a truer Knowledge of him, and for that Reason, went frequently with him to a *Derby* Ale-house near the *Abby*, where I was confirm'd in my Suspicions of him, from the Seditious Expressions he frequently made use of.

J.—— What Expressions were those? For, Sir, you are to be particular in Cases of Life and Death, and it is not enough to say, such a one Talk'd Treason, but you are to mention the very Words, or as near as you can, without the least Alteration in the Sense of 'em.

Sir *Brain. Bl.* So he should, my Lord, you say right, and my Brother and I are of your Opinion. Ay, Fellow, what was it he said there? If you miss a Tittle, Mr. *Ordinary* must put the Neck Verse to you.

Op. Sub. Suppose he should, I can read it without Blundering, which is more than he or you can. But I presume, my Lord, I don't come hither to be Threaten'd, in order to make me depart from my Evidence, if not, it is my Humble Request, that you will give Orders that I may meet with no farther *Interruptions*.

J.—— We have more than once Order'd it already, and if either of the two Council for the Prisoner knew what Modesty was, they would have valued my *Injunctions* after another manner than they do, but let 'em do it again on their Peril.

Op. Sub. The Words he generally made use of, were to this Effect; That King *Charles* his *Martyrdom was the most Glorious Act as ever was done by the Good People of* England, *that the Bishops ought to be Excluded from Sitting in Parliament if we expected Good Days, and that if we must have a King or Queen in* England, *they ought to be of the Peoples Chusing, and not come to the Crown by Right of Succession:* All which I took to be dangerous

dangerous Assertions, tho' I clos'd with him a while, till an Opportu nity should present it self towards a Discovery.

L. C. Did he write nothing, while you held any Correspondence to gether?

Op. Sub. O! Yes, Sir, abundance of Scurvy Lines, which he dis pers'd about in Manuscript amongst the *Modern Whigs*, who Carress'd him at that time, tho' he has since, to shew his Gratitude, turn'd Tai and Abus'd 'em for it, till having in vain Petition'd the Earls of *Port land* and *Albemarl*, for some Grant out of the Privy Purse, he was so Exasperated against his Friends the *Dutch*, and those Noble Peers in particular, that he Lash'd out into Print, with a Poem, call'd, *Th Foreigners*; wherein, besides his gross Reflections upon the *Hollanders* in General, and those two Lords in particular, he offer'd at the Dethrone ment of His then Majesty King *William*, whose Memory he pretends to be such a Friend to now in his Weekly *Papers*.

Lit. Dull. Sir, Repeat the Verses, or your Evidence signifies not a Turd — For it is not your Say-so, but we must be satisfy'd from the *Poem* it self. Certainly I am in with him there, or the Devil's in him for the Books are all *Wast Paper* by this time, and have pass'd out of Knowledge with Transitory Custards and Cheesecakes.

Op. Sub. My Lord, to obviate that Gentleman's Design, I have brought the Book with me, and the Verses are as follow:

Unthinking Israel! *Ah henceforth beware*
How you entrust this faithless Wanderer!
He who another Kingdom can divide,
May set your Constitution soon aside,
And o're your Liberties in Triumph Ride.
Support your Rightful Monarch and his Crown,
But pull this proud, this croaking Mortal down.

Now if this be not a plain Invocation of the *Divine Power* to Dethrone His late Majesty, I know not what I read.

Sir *Brain. Bl.* Did you ever know such a Dog as this! He's cut out for an Evidence fit for my purpose. He has his Materials about him — But, as I take it, Friend, this is *Poetry*, and cannot be *Treason*.

L. C. Why so, Brother;

Sir *Brain. Bl.* Because *Poetry* is not *Sense*, and it would be very hard that a Man should be Hang'd for *Nonsense*.

L. C. Then the Council on the *Prisoner's* Side are out of Danger, and will live to be the Eldest Men in *England*, if they are not to Decease till they speak Sense. But Brother you intimate as if you meant *Poetry* of your own making, for the Court will allow, That *Poetry* and *Sense* are

Lit. Dul.

Ld. Dull. Analogous! What a plague does he mean by that Curſed Word? Hark you, Brother, it's in vain to Diſpute, we ſhall be Over-rul'd——I'll aſk my R——n the meaning of *Analogous* when I get Home, for we ſhall be found out unleſs you drop it.

Sir *Brain. Bl.* Well, Sir, be it as you ſay, it's to no purpoſe to Contradict you, the Witneſs may go on.

Op. Sub. After this, I was fearful of being drawn into a *Præmunire* by any farther Converſation, and ſo left my Solicitor to go in Queſt after a place, and make Intereſt for my ſelf, ſince I found he had none but with people of his own Stamp.

Qu. Coun. Cryer, call Mr. *Seaſonable Homethruſt.*

Cryer. Mr. *Seaſonable Homethruſt*, you ſhall true Anſwer make, *&c.*

Qu. Coun. Mr. *Homethruſt*, you have heard the Queſtion that has been put to the other Evidence, and you are to give the Court an Account of the Priſoner at the Bar.

Seaſ. Home. My Lord, I came acquainted with him on the 30th of *January*, 1702. I muſt confeſs, I was ſomething Whiggiſhly Inclin'd at that time, and was accidentally Diſcourſing about the Murther of King *Charles* I. Not that I vindicated it, My Lord, but hop'd with Mr. *Stevens* of *Sutton*, that Preach'd before the Houſe of Commons ſome time ſince, *That the Nation had atton'd for that Sin, and that the Day of Humiliation might be put down.* I hope God has Pardon'd him and me for thoſe ſinful Expreſſions. The Priſoner at the Bar overheard me, Vindicated what I ſaid, deſir'd to be better acquainted with me, and had me to a Tavern to Dinner with him, where we had nothing but *Calves-Heads.* I was aſtoniſh'd at ſuch an Entertainment, but was ſoon told the Reaſon of it, and after he had drank out of the Head, *&c.* and the Hymn was Sung according to Cuſtom, which, I was told, was of his making, and a Plentiful Glaſs had gone round, we ſeparated. But I muſt not forget to tell you, that it was agreed then to put out a Weekly Paper in Defence of the Diſſenting Party, for they were fearful that the Acceſſion of Her Preſent Majeſty to the Throne of Her Royal Anceſtors, would quite ſpoil the Meaſures which had been Concerted againſt the Church Eſtabliſh'd.

Q. C. Had you no other Diſcourſe with the Priſoner at the Bar, for 'tis to be preſum'd, that this *Separation* of yours at that time was not ſuch, but you met together after that.

S. H. Yes, he viſited me frequently, was ever bringing me into Republican Company, till at laſt it was agreed to call the Weekly Paper by the Name of the *Ob——r*, and the Priſoner at the Bar was made choice

choice of to Write it, and Publiſh'd his firſt, on the firſt day of Apr
1702.

Q. C. Very well, ——Your Lordſhips may pleaſe to obſerve we a
come to Particulars now.

J——. Did you ſee him write this Paper?

Q. C. See him, My Lord? I was one of the Club,—I never miſ
meeting with 'em, though I had not met long, but I found what
Precipice I ſhould fling my ſelf from, did not I abandon the Prin
ples I had Imbib'd from their Converſation. Yet hoping to make
Attonement to the Church of *England*, by turning Watchman for
Preſervation, I kept among 'em on purpoſe to diſcover their Evil P
ctices.

Priſ. But, my Lord, No Statute-Book that I ever Read, informs m
that Writing a Paper is a Crime, without ſomething Criminal is co
tain'd in it. I deſire to know the Faults I am Charg'd with from
particular Papers, or Numbers they are Incerted in; for, to ſay a M
is Guilty of Treaſonable Practices in General, without deſcendi
into Particular Proofs, can in no wiſe render any Man guilty of th
Treaſonable Practices which he ſtands accus'd of.

Countrym. I knew when his Worſhip would Condeſcend to ſpeak,
would be to the Purpoſe; rarely well ſaid, Maſter, you have fe
this Fellow upon his Back, or there's no Bread in Nine Barley Loa
He looks as if he had no more Memory than I, and the Deel's in h
nay more, as many Devils as got into the Herd of Swine, if he
quote every particular Number, ſince we are got up without being ca
in Queſtion before, to above a Hundred and Forty.

J——. You hear the Priſoner's Requeſt, and it's your Buſineſs
Anſwer it if you can, for he urges nothing but what is Juſt, and
are to ſpeak of Particulars

S. Horne. My Lord, my Memory is very Treacherous, but to Cor
borate my Evidence, I brought a Perſon belonging to the Club with
who beſides having every paper with him, has one that is ſo Fa
ful as to point out the very Numbers. Mr. *Retentive Telltroth*,
you be my Aſſiſtant.

Retentive Telltroth. My Lord, this Gentleman is pleas'd to put
upon an Office that I am altogether unfit for; yet, in order to do
Majeſty Service, I have brought the firſt Volume, and the remain
Numbers, to be as ſo many Teſtimonies againſt the Priſoner at
Bar. I ſaw him Write many of them, and have heard him own
I have but few Inſtances to make, but you may gueſs at the Na

f his other Compoſitions from thence. *Crimine ab uno diſce Omnes*, ſays *inon* in the *Æneids*.

Lit. Dull. Rot *Sinon*, he was as Treacherous a Dog as your ſelf may e for all that we know. Quotations from Poets are of no weight, rge any thing from Law, and I am *Murus Aheneus*, to ſtand the orce of it. There's *Horace* for your *Virgil*, but a plague of it now I ink of it, *Horace* was no more a Lawyer than I am.

Ret. Tell. To inſtance in his very firſt *Obſervator*, which came out pril the 1ſt 1702. He ſays, *He thought it an odd thing to hear that eek, a Ballad Sung in the* Pallace-Yard, *reflecting on the* Preſbyterians, liverians, *&c. But he hop'd Her Majeſty's Proclamation would defeat Pra-ices of that Nature.* In his Vindication of the *Obſervator*, which is ound up with the Firſt Volume. He goes a ſtep higher, and to de-r the *Non-jurors* from taking the Oaths to Her Preſent Majeſty, or ying Her a juſt Deference or Reſpect, he affirms, *That it's Crimen ſæ Majeſtatis, to affirm they Love the Queen*, and to Crown all, and ake the Queen and the People Co-ordinate Powers, in *Numb.* 23. ol. 1 He lays it down for Matter of Fact, that *She is one of the Three ſtates*, and by that means to be call'd in Queſtion by 'em, which he rneſtly deſires may be done in *Numb.* 33. For granting the Lady of *nconnel*, who was a Woman, and could harm no Government, a *Paſs* come into *England*, and ſettle her Domeſtick Affairs. In the next ace, under pretence of Vindicating *K. W.* He has traduc'd him in s own Perſon, and Favourites. In his own Perſon, by calling the e Revolution a *Rebellion*, in *Numb.* 35, and inſinuating Surmiſes that uld not be Entertain'd of him, by ſaying, *If Vanity be pleaſing in nions and Whores, why might not* K. W. *have the Priviledge of ſome of Predeceſſors*, &c. In his Favourites, *Numb.* 71, 72, 73. His whole Aim at the Church in General, more particularly in *Numb.* 35. and 39. l. 1. as alſo in *Num.* 8. Where he affirms, that *One Man is as much Judge as another of the Meaning and Intent of Scripture*, and would d the Church of *England* Clergy be depriv'd of their *Votes* for embers to ſerve in Parliament. What relates to the Eſtabliſh'd Con-ution, is the very Intent of his Paper; and you need look no far-r than *Num.* 42: *Vol.* 2. to convince you that he would ſpread about louſies and Fears, and turn a Publick Incendiary, when you find there inſinuating to the People that they are neither ſafe in their cleſiaſtical, or Civil Rights, nor certain of Educating their Chil-n in their own Perſwaſions, without *ſending them beyond the Seas Foreign Nurſeries*.

Q. C. The Court ſtands indebted to you, Mr. *Telltruth*, and we ſhall trouble you no farther, having already prov'd the Articles the Priſoner's Charg'd with in the Indictment; and by Your Lordſhip's Permiſſion, he may now ſpeak what he has to urge, or call what Evidence he ſhall think adviſeable for a Man in his Circumſtances, towards his own Vindication.

Priſ. My Lord, I would have the Gentleman that ſpoke laſt, to know that I am not without Friends, and powerful ones too. But I am ſo far ſatisfied of the Energy of my Writings, and the Perſwaſiveneſs they carry with them, that I queſtion not but the Jury will do me that Juſtice that I have taught 'em. Tho' in Conformity to Cuſtom, I ſhall call a few that deſir'd to appear in my Behalf. Will your Lordſhip be pleas'd to give Order that *Titus Anti-Prelacy* may be call'd.

Cryer. Titus Anti-Prelacy.

Tit. Ant. Here my Lord;——Will you give me the Book quickly Maſter, for I long to be exerciſing my old Faculties of Swearing.

Q. Coun. Come a little nearer you that Squeak ſo, —— Oh! good Doctor, your very humble Servant, ——this Man ſtands Perjur'd upon Record, we have nothing to do with him.

Tit. Ant. You are a Raſcal for ſaying ſo; I ſuffer'd in King *James's* Time, and if you remember, I was Careſs'd at Court in *K. W's.*

J ——. Away with him; if you had your due, you that make uſe of that Gown only to caſt a Scandal upon the Function, ought to Suffer in every Prince's Reign.

Tit. Ant. You ſhall hear of this when I meet you in the Lobby.

Sir *Brain. Bl.* Here's one beyond an Objection; Captain *Teſtimony Thunder-guts*, Do us the Favour to acquaint the Court what Good you know of the Priſoner at the Bar.

Q. C. This is indeed an Evidence beyond Exception,—— He has been allow'd of in ſeveral Caſes, ſo that we ſhall acquieſce.

Teſt. Thund. Though it is not ſuch an Evidence's Buſineſs as I am, to ſpeak well of any one, and it goes mightily againſt my Stomach to be a Witneſs on any Side, but that of the Crown; I'll take my Oath, an Hundred if you pleaſe, that I have drank many a Bottle with him, found him of my own Principles to a Hair, which is enough to acquit him, for my Principles have been in Eſteem, and my Word has been taken before now.

J——. The more's the Pity, —— This Evidence will little avail the Priſoner under the Circumſtances which he now is, and the Court has ſate a long while; therefore you that are Council for him, call ſomebody elſe that is more Material.

Sir *Brain. Blun.* Call *Aminidab Semiquaver.*

Aminidab Semiquaver. In the Name of the L——d, I am here Friends, what ſeek you after? Can I enlighten your Underſtandings in any thing?

Lit. Dull. You formal Son of a Bitch you, tell the Bench whether you know the Gentleman at the Bar.

Am. Sem. Yea verily, I do know that Friend, —— but I am to tell my Tale to Men, and not to Benches, do you hear that, Friend. Truly this Man has been exceeding Gracious to the Brethren, who at their laſt General Aſſembly but one, in the fourth Month, did order me to give unto him ſo much fine Gold with *Wm*'s Image upon it, as amounted to what is commonly call'd Ten Guineas.

J. ——. And what was their Reaſon for ſo doing?

Am. Sem. Why Friend, becauſe he made uſe of his Pen on the Side of the Faithful.

L. C. Did you never Drink with him, or have any other Converſation than at the time you gave him Money?

Am. Sem. Nay verily, ——— I was told that he was a Lover of Strong Drink, wherefore I Commun'd with my Heart, that it was unlawful to keep him Company; for you muſt know, we that are of the Brethren, never Drink but among our ſelves.

J. ——. Take this Man away, or he'll rather ſpoil the Cauſe than defend it.

Lit. Dull. A Mealy-mouth'd Dog, who had the Advantage of ſuch an Aſpect, and not make uſe of it. I'll write a Book againſt Toleration, but I'll be even with him and his Party. Call *Projector Maltax.*

Proj. Malt. Who a Deuce is that wants me —— I had two or three Millions in my Head, and this Interruption has made it as empty as my Pockets.

J. ——. Mr. *Maltax*, what can you ſay for the Priſoner's Reputation at the Bar?

Proj. Malt. My Lord, I imagin'd I had been call'd to bring a Propoſal into Court about paying the City-Debts. The Papers are forthcoming, at your Lordſhip's Command, I have 'em about me.

J. ——. Nothing like it, Sir, you are to give us an Account what you know to the Gentleman's Advantage, that ſtands Indicted for High-Treaſon.

Proj. Malt. Odſo —— my Dear Friend and Bedfellow! What do I know, my Lord, ſay you? I know him to be a good Accomptant, and I have a great Opinion of his Wit, whatever Conceptions the World may have of him. He and I have talk'd many a Story together, have emptied our Glaſſes in Politicks, and I never found that he held any Opinions that were contrary to my own, which have given me the Converſation of many Great Men.

L. C.

Q. C. That may be; but will you be pleas'd to Explain the ture of those Opinions.

Proj. Malt. That *Kings were accountable to their People*; *That Episcacy was a Humane Invention*; That *Ceremonies in Divine Service were unnecsary as well as unlawful*; That *Democracy was preferable to Monarchy*, And we held up our Correspondence, till both of us grew Lowsie, a were forced to shift for our selves.

Lit. Dull. This is the saddest Bastard as ever was known; come do you Dog, unless you have a mind to stand Tryal too.

Pris. My Lord, I shall trouble the Court no farther than to remi the Jury, that out of the five Witnesses produc'd against me, only tw which are the last, spoke any thing that could affect me, and those t so slightly, that I have nothing to fear from their Justice, or that of t Bench before which I stand Accused.

J—. Gentlemen of the Jury, you have heard the Queen's Eviden as likewise that of the Prisoner at the Bar, who now stands upon h Tryal before you. What belongs to me, is, to refresh your Memori by repeating the Substance of the whole Matters on both Sides, an afterwards I shall leave them to your Determination, which I cann but perswade my self, will be suitable to Justice, and the great Du which is Incumbent on you. The Prisoner tells you, he relies on yo following the Doctrines he has taught you in his Papers, but you a to understand, he is Indicted for those Papers, and to give any Obse vance to them, is to Confederate with him in his Treasonable Practic The Court, it's true, is to acknowledge that Occurences of Life ha been brought against him, which are not incerted among the Crim he is Charg'd with; but as no other use is to be made of 'em, than lead us Step by Step into the Knowledge of what he stands Arraign for, so they are in no wise to fall under your Consideration. Omittin therefore what has been said *Liturgy Loyalist*, *Provender Standish*, and *Opportunity Subtle*, I shall only enforce what has been urg'd against him b *Seasonable Homethrust*, and *Retentive Telltroth*; and thereby make it appear t you, That the *Prisoner* has an Overt Act prov'd against him to make his *Treasonable Practices* more confirm'd. *Homethrust* tells you, That he was at the *Calve Head*-Feast with him, acquaints you with the manner of his Behaviour, an informs the Court that a *Paper* was agreed on there, which was to be written b the *Prisoner*, in order to Subvert the Government, and pull down the Churc Establish'd. He says likewise, That it was afterwards defer'd some time, an is particular in the Day that it was first Publish'd on, which was the *1st* Day o *April* 1702. He Instances in his Discourse in General, how it tended to Sedition and Rebellion, and after what an ill manner he always behav'd himself in hi Company. He tells you, he saw him write several of these papers, and heard him own himself the Author of the rest, and brings in Mr. *Retentive Telltroth*

who

saw the same, and having a better Memory, gives you sufficient proofs of *Prisoner*'s Disloyal Intentions, by quoting several Sentences inserted in those ers, with their particular Numbers. Both of 'em make out an Overt Act as as the Day, and in my Opinion, have given apparent Evidences of High-son. On the other hand, the *Prisoner* has brought several people of as bad utation as himself, except one, who is a Quaker, and has as little to say is behalf as the rest. *Titus Anti-Prelacy* for his part, I dare to say, would e Sworn home for him, but he stands *Perjur'd upon Record.* Captain *Thun-uts* only tells you, That he took him for one of his own *Principles*, which been lik'd, had drank many a Bottle with him at the 3 *Tuns*, and acquaints the urt, he would have Sworn more, had it been on the side of the Crown which had been us'd to. *Semiquaver*, the *Quaker*, tells you a Story of a Tub, how he presented the *Prisoner*, for Services done, with Ten Guineas in the Name the Society; And, to pin up the Basket, in comes *Maltax*, who instead of dicating his Cause, flings more Guilt upon him. Now it is your Business Consider of these Matters, and if it shall appear to you that the *Prisoner* is ilty; you are to bring in a Verdict accordingly; if not, you are to Acquit a, as the Law directs in like Cases.

The Jury went out for about half a quarter of an Hour, and return'd into Court.

Cl. of Arr. Gentlemen, are you agreed in your Verdict?---- *Jury.* We are.

Cl. of Arr. Who shall speak for you?---- *Jury.* Our Foreman.

Cl. of Arr. Mr. Foreman of the Jury, Is the *Prisoner at the Bar* Guilty, or Guilty?---- *Foreman.* Guilty.

Cl. of Arr. What Goods and Chattels has he?

Forem. None that we know, besides his Wearing Cloaths, except a parcel old *Treasonable Pamphlets*, *Prin's Histriomastix*, *Calvin's Works*, *Baxter's* and *Bunyan's*, and the rest of the *Conventiclers.*

J.---- You Mr. *Rebellion Ob*----, have been Indicted under that Name for gh-Treason, have put your self upon your Tryal and joyn'd Issue, the Con-quence of which is, That you are found Guilty. Now what have you to y in Arrest of Judgment?

Pris. My Lord, Words are of no Effect when a Man's Life is Sworn away, I all therefore say no more, than make it my Request to the Court, That I ay not be Buried in a Churchyard, for I that have liv'd a *Protestant*, would t stink of *Popery* after I am dead: That the *Ordinary* of *Newgate*, nor my *H*--- may not preach my Funeral Sermon by any means; but if I must e a Noise over me after I am dead, the Text-Driver at *Pinners Hall*, in my or Opinion, will be the fittest for the purpose.

J.--- Consecrated Ground is not to be Defil'd by you, neither does the Law low you to have Christian Burial. *But you are to go from hence to the Place from hence you came, and thence to be Drawn on a Hurdle to the Place of Execution, where you are to be Hang'd by the Neck, your Bowels to be Cut out, and with your privy Parts to be Burn'd before your Face, your Body to be at the Governments Disposal, and the Lord have Mercy upon your Soul. Gaoler take away your Prisoner.*

Pris. I beseech you, my Lord, to give me the Disposal of my privy Parts, I esign 'em for a Legacy to the *Miller*'s Wife over the Water----

J.--- Take him away, Gaoler, we are not to hear such Impertinence.

Then the Court was Adjourn'd, &c. FINIS.

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